

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NB'TEHUTI HERU-PTAH DaGREAT,
a/k/a/ Terrell L. Wilson,

Plaintiff,

V.

RONALD HAYNES, *et al.*,

Defendants.

Case No. C21-5080-MJP-SKV

**ORDER DIRECTING CLERK TO SEND
DOCUMENTS TO PLAINTIFF AND RE-
NOTING DEFENDANTS' SUMMARY
JUDGMENT MOTION**

This is a civil rights action proceeding under 42 U.S.C. § 1983. On November 5, 2021, defendants filed a motion for summary judgment in this matter which they noted on the Court's calendar for consideration on December 3, 2021. Dkt. 31. Defendants' motion papers were served to Plaintiff, via e-mail, at the Washington State Penitentiary ("WSP") which is Plaintiff's address of record. *See* Dkt. 33 at 2, Dkt. 34. WSP staff thereafter advised the Court that defendants' motion papers could not be delivered because, at the time they were filed, Plaintiff was "out to court and at another facility." *See* Dkt. 34. WSP staff also advised that they did not know when Plaintiff might return, and that their records indicated Plaintiff was "in

ORDER RE-NOTING DEFENDANTS' SUMMARY JUDGMENT MOTION - 1

1 Spokane" and "likely at [the Airway Heights Corrections Center]." *Id.* at 1. Plaintiff has had no
2 communication with the Court since Defendants' motion papers were filed.

3 This Court's local rules require a party to promptly notify the Court of any change of
4 address, LCR 10(f), which Plaintiff did not do. However, despite Plaintiff's failure to comply
5 with the local rules, the Court is reluctant to proceed to disposition of Defendants' outstanding
6 summary judgment motion without giving Plaintiff some opportunity to respond. Thus, in an
7 effort to move this action forward, the Court conducted its own research into Plaintiff's
8 whereabouts, based on the information provided by WSP staff, and located Plaintiff at the
9 Spokane County Jail. Having now located Plaintiff, the Court will direct the Clerk to send
10 Plaintiff copies of Defendants' motion papers at his current address and will re-note Defendants'
11 motion to allow Plaintiff time to file a response should he elect to do so.

12 Based on the foregoing, the Court hereby ORDERS as follows:

13 (1) The Clerk shall send copies of Defendants' summary judgment motion papers
14 (Dkts. 31-33), of Plaintiff's complaint (Dkt. 6), and of this Order, to Plaintiff at the Spokane
15 County Jail, addressed as follows: Terrell L. Wilson, c/o Spokane County Detention Services,
16 1100 West Mallon Avenue, Spokane, WA 99260-0320.

17 (2) Defendants' motion for summary judgment (Dkt. 31) is RE-NOTED on the
18 Court's calendar for consideration on ***Friday, January 28, 2022***. Plaintiff's response to
19 Defendants' motion, if any, must be filed not later than ***Monday, January 24, 2022***.

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23 ORDER RE-NOTING DEFENDANTS'
SUMMARY JUDGMENT MOTION - 2

1 (3) The Clerk is directed to send copies of this Order to counsel for Defendants, and
2 to the Honorable Marsha J. Pechman.

3 Dated this 20th day of December, 2021.

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7 S. KATE VAUGHAN
8 United States Magistrate Judge
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